

**General Assembly**

Distr.: Limited  
2 November 2006

Original: English

Sixty-first session

**Third Committee**

Agenda item 67 (c)

**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

**Islamic Republic of Iran: draft resolution****Situation of indigenous peoples and immigrants in Canada**

*The General Assembly,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other international human rights instruments,*

*Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,*

*Welcoming the adoption by the Human Rights Council of the United Nations Declaration on the Rights of Indigenous Peoples,<sup>3</sup>*

*Reaffirming that indigenous peoples in the exercise of their rights, should be free from discrimination of any kind,<sup>4</sup>*

*Welcoming the cooperation extended by the Government of Canada to the Special Rapporteur on the situations of human rights and fundamental freedoms of indigenous peoples, and noting the report of the Special Rapporteur on his visit to Canada,<sup>5</sup>*

*Noting the concluding observations of the Committee on Economic, Social and Cultural Rights,<sup>6</sup> and the Human Rights Committee,<sup>7</sup> on the human rights situation in Canada,*

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI), annex.

<sup>3</sup> Adopted by the Human Rights Council on 29 June 2006.

<sup>4</sup> See United Nations Declaration on the Rights of Indigenous Peoples.

<sup>5</sup> E/CN.4/2005/88/Add.3.

<sup>6</sup> E/C.12/CAN/CO/4-E/C.12/CAN/CO/5.

<sup>7</sup> CCPR/C/CAN/CO/5.



*Noting also* the report of the Working Group on Arbitrary Detention pursuant to its visit to Canada,<sup>8</sup>

*Noting further* with concern that the Youth Criminal Justice Act in Canada enables imprisonment of persons under 18 with adults if serving an adult sentence,<sup>7</sup>

1. *Expresses grave concern* at the situation of persons deprived of their liberty in Canada awaiting trial or sentencing, "continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control", and "the absence of effective measures to provide civil compensation to victims of torture in all cases";<sup>9</sup>

2. *Expresses concern* at the findings stipulated in the report of the Special Rapporteur on indigenous peoples indicating systematic discrimination in the criminal justice system of Canada, and that "the issues facing First Nations and Métis people — and the reasons they come into conflict with the justice system — are rooted in failures in the areas of education, health and economic development";<sup>5</sup>

3. *Also expresses concern* that significant disparities still remain between aboriginal people and the rest of the population in areas of employment, access to water, health, housing and education, and by the failure of the Government of Canada to fully acknowledge the barriers faced by African Canadians in the enjoyment of their rights under the International Covenant on Economic, Social and Cultural Rights;<sup>2</sup>

4. *Notes with particular concern* that poverty rates remain very high among disadvantaged individuals and groups such as aboriginal peoples, African Canadians and immigrants;<sup>6</sup>

5. *Expresses concern* at continuing inequalities in the attainment of economic and social rights for the aboriginal people and the slow pace of effective recognition of their constitutional aboriginal and treaty rights;<sup>5</sup>

6. *Expresses dismay* over the negligence of the Government of Canada to address the specific needs of aboriginal women, as well as over suicide rates, prostitution and child welfare issues;<sup>5</sup>

7. *Deplores* the worrying situation of women prisoners in Canada, in particular aboriginal women, women belonging to ethnic minorities and women with disabilities;<sup>7</sup>

8. *Expresses concern* at several aspects of the immigration law of Canada, which give the immigration officers wide discretion in detaining aliens and limit the review of decisions ordering detention;<sup>8</sup>

9. *Calls upon* the Government of Canada to change the provisions in the immigration law and/or their application policies, which give rise to cases of unjustified detention of migrants and asylum-seekers;<sup>8</sup>

10. *Also calls upon* the Government of Canada to intensify its measures to close the human development indicator gaps between aboriginal and non-aboriginal Canadians in the fields of health care, housing, education, welfare and social services;<sup>5</sup>

<sup>8</sup> E/CN.4/2006/7/Add.2.

<sup>9</sup> CAT/C/CR/34/CAN.

11. *Further calls upon* the Government of Canada to ensure that the relevant human rights legislation is amended at federal, provincial and territorial levels and its legal system enhanced so that all victims of discrimination have full and effective access to a competent tribunal and to an effective remedy;<sup>7</sup>

12. *Urges* the Government of Canada, as a State party to the International Covenants on Human Rights,<sup>2</sup> to abide by its obligations under these Covenants and under other international instruments on human rights to which it is a party, and to ensure that all disadvantaged and marginalized individuals and groups such as aboriginal peoples, African Canadians, and immigrants, within its territory and subject to its jurisdiction, enjoy the rights recognized in these instruments;

13. *Requests* the Government of Canada to take all necessary measures for the implementation of the recommendations of the Special Procedures of the Human Rights Council, in particular with regard to the situation of indigenous peoples and immigrants;

14. *Decides* to continue consideration of the human rights situation in Canada during the next session of the General Assembly.